

OPINION
55-92

September 30, 1955 (OPINION)

PARK COMMISSIONERS

RE: Authority to Maintain Trailer Camp

This is in reply to your letter of September 26, 1955, in regard to whether the board of park commissioners has the legal authority to establish, operate, and maintain a house trailer within the city limits of the city limits of the city of Kenmare.

Under section 40-4904 of the N.D.R.C. of 1943, the park district is given general powers of a public corporate entity.

Under section 40-4912, subsection 12, of the N.D.R.C. of 1943, it is given specific power to: "Plat and lay out such portions of park property as are not needed for the accommodation of the general public, and lease and demise lots or portions thereof for residential or concession purposes. The board may prescribe by ordinances the use that may be made of such leaseholds and the character of structures that may be placed thereon, and may regulate generally the use and enjoyment thereof by the lessees or their successors."

The only factual information you submit is that the enterprise here concerned "is operated like a private business and rent is collected from each trailer occupying space."

While we do not mean to suggest or imply that the powers of the park district are broad enough to include the operation of a strictly private business of operating a trailer court for transients, the provisions of section 40-4912, subsection 12, appear to be broad enough to include the power to rent parts of the surplus property of the park district for the accommodation of house trailers used as residences.

LESLIE R. BURGUM

Attorney General